Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Revision of the Commission's Rules to	)	CC Docket No. 94-102
Ensure Compatibility with Enhanced	)	
911 Emergency Calling Systems	)	
	)	
City of Richardson, Texas	)	DA 01-1623
Request for Clarification or Declaratory Ruling	)	
Concerning Public Safety Answering Point	)	
Requests for Phase II Enhanced 911	)	

REPLY COMMENTS OF VOICESTREAM WIRELESS CORPORATION

VoiceStream Wireless Corporation ("VoiceStream") hereby replies to the comments submitted in response to the Commission's request for a discussion of "objective criteria" that a PSAP should meet as a condition to making a valid request for Phase II E911 service.[1] VoiceStream agrees with the three conditions that CTIA has recommended,[2] and discusses below the proposals that the public safety community and public safety answering points ("PSAPs") have made[3]. VoiceStream commends the Commission and the PSAPs for their efforts here, and elsewhere, to facilitate and expedite the provision of E911 services to the public, and VoiceStream's reply is intended similarly to help hasten the provision of those services.

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[1] Public Notice, "Wireless Telecommunications Bureau Seeks Further Comment on the Commission's Rules Concerning Public Safety Answering Point Requests for Phase II Enhanced 911," DA 01-1623 (July 10, 2001).

[2] *See* CTIA Comments. Sprint PCS proposes similar conditions in its comments.

[3] VoiceStream also responds to certain allegations made by the City of Richardson in Appendix 1 below. A review of the facts demonstrates that VoiceStream did not deny Richardson's request for Phase I service, the parties have been working cooperatively on deployment for some time, and Phase I service should be operational soon. VoiceStream responds to Tarrant County's allegations in Appendix 2 below.

The City of Richardson and the TX-CSEC recognize that there are certain basic steps that PSAPs must take in order to "receive and utilize the data elements associated with [Phase II] service,"[4] and they also recognize the need to undertake these steps (or make related commitments) before wireless carriers should begin a Phase II conversion with a particular PSAP. However, two important clarifications are needed.

First, Phase II service cannot be implemented in a vacuum, with each party doing its own "thing" over a six-month period, with the new system smoothly activated on day 181. The PSAP and the operator need to interact continuously. As NENA and APCO correctly point out, "In the end, the process will only work through consultation and cooperation in good faith by the PSAP, the wireline and wireless carriers and any third-party vendors who may be involved."[5]

The critical need for continuous interaction and cooperation of all parties can be illustrated by a recent example. VoiceStream sent to Richardson on May 21, 2001, maps and data-files of its cell site/sectors so Richardson could provide the information VoiceStream needs to order necessary trunks, develop routing tables, assign pANIs, and prepare information for loading on supporting data bases. Over two months elapsed, and -- in spite of our attempts to obtain this information -- VoiceStream still had not received from Richardson this critical data, stymieing VoiceStream's ability to undertake additional implementation steps. VoiceStream believes that PSAPs should be able to implement Phase II service at their own pace. But the PSAPhas to allow the carrier to keep pace and not expect the carrier to be Phase II capable within six months of a PSAP request if the PSAP cannot actively support a six month timeline.

Second, there are three major components in the provision of E911 service, and PSAPs control two of those components: (1) wireless carriers must install Phase II capabilities in their

[4] 47 C.F.R. § 20.18(j).

[5] NENA and APCO Comments at 2.

own networks and then implement Phase II in conjunction with specific PSAP requests; (2) the PSAP must upgrade its CPE to be capable of receiving and utilizing the data elements associated with Phase II service (*e.g.,* latitude/longitude data pertaining to E911 mobile callers, confidence factors); and (3) the PSAP must ensure that its E911 network, including its ALI database, is upgraded timely. The PSAP commenters clearly supported the second component (the need to upgrade their CPE), but they do not address the third component (the critical need to upgrade the E911 network as well). As discussed below, until PSAPs upgrade their networks and their ALI databases, Phase II implementation will not be successfully completed.

A. PSAP Funding and Contracts with PSAP Vendors

Commission rules require that PSAPs have adequate Phase II funding "in place" as a condition to making a valid Phase II request.[6] Richardson suggests that a PSAP can satisfy this condition by showing that "a funding mechanism exists."[7] While it is certainly important that a funding mechanism exists, it is equally important that adequate funding for Phase II upgrades is *committed to this goal*. Many PSAPs do not control their own destiny, with funding and budgets controlled by others (*e.g.,* state agencies, county commissions, city councils). A PSAP must therefore show not simply that adequate funding sources exist, but that these funds have been approved for use in upgrading PSAP CPE and the E911 network as necessary. Especially with the current economic slowdown's impact on government revenue streams, there can be no certainty in any governmental agency that funding requests will be approved.

The funding concern largely becomes irrelevant if a PSAP executes contracts with its CPE and E911 network vendors (since a PSAP presumably would not execute a contract without

[6] 47 C.F.R. § 20.19(j).

[7] Richardson Comments at 5. *See also* NENA and APCO Comments at 2 (It is "sufficient for the PSAP to show that it has the necessary funding available.")

confidence that adequate funds will be committed). Accordingly, with the exception of cost recovery states,[8] PSAPs should be deemed to make valid Phase II requests upon demonstration that they have signed Phase II upgrade contracts with all necessary CPE and E911 network vendors for delivery within a firm timeline.[9]

Although the PSAPs acknowledge that it is reasonable to require them to show they have placed "order[s] for the necessary equipment to receive and utilize the Phase II data,"[10] they reference only orders for their CPE, and not the various components of their E911 network. As discussed more fully below, the order placement requirement must extend to the E911 network because Phase II service generally will not work without appropriate upgrades to the E911 network.

The PSAP commenters appear to suggest that their obligation is satisfied so long as they have written commitments from vendors that the necessary upgrades will be installed "within the six-month wireless carrier deadline."[11] We know that no PSAP will expect equipment to be installed or software loaded on day 180 and then activate the system on day 181. We worry about PSAP disappointment if the installation is too close to the 180th day. Wireless carriers must test

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[8] Texas is a cost recovery state. *See* Texas Health and Safety Code § 771.0711(g) ("On receipt of an invoice from a wireless service provider for reasonable expenses for network facilities, including equipment, installation, maintenance, and associated implementation costs, the commission or an emergency services district of a home-rule municipality or an emergency communication district created under Chapter 772 shall reimburse the wireless service provider in accordance with state law for all expenses related to 9–1–1 service."). VoiceStream thus does not understand the TX-CSEC request that the FCC "clarify" that PSAPs in such states need not fund wireless carrier upgrade costs. *See* TX-CSEC Comments at 3. The FCC obviously has not invalidated state laws providing for carrier cost recovery. *See* Wireless Communications and Public Safety Act of 1999, Pub. L. 106-81, § 3(b), 113 Stat. 1286-87 (FCC "shall encourage and support efforts by States to deploy comprehensive end-to-end emergency communications infrastructure and programs based on coordinated statewide plans. . . . Nothing in this provision shall be construed to authorize or require the Commission to impose obligations or costs on any person.").

[9] VoiceStream does not believe it necessary for PSAPs to share copies of these vendor contracts with wireless carriers. It would be sufficient for the PSAP to represent that (1) it has executed necessary contracts for CPE and the E911 network, (2) the Phase II upgrades will comply with J-STD-036 (or identify how the upgrades will differ from the consensus standard); and (3) the time frame vendors will install their upgrades so they will be available for testing.

[10] Richard Comments at 5. *See also* TX-CSEC Comments at 2-3.

the new system before it is activated, and PSAPs should test their own components before adding the complexity of the wireless network elements. NENA and APCO agree that time should be included to allow testing between the wireless carrier and the PSAP.[12] VoiceStream therefore recommends that necessary upgrades be installed within four months so that two months are available for internal PSAP tests and, thereafter, interoperability testing between the PSAP and wireless carrier.[13]

B. A Work Plan Is Necessary, As Are Periodic Updates

Richardson acknowledges that it is "reasonable to require that the PSAPs show that some type of work plan is in place . . . to accomplish the necessary installations."[14] VoiceStream wholeheartedly agrees. Requiring a PSAP to develop a proposed work plan which includes all required work (*e.g.,* CPE, network, database, carrier testing and ultimate call testing) will help ensure that its proposed Phase II activation date is realistic. In preparing its preliminary work plan, a PSAP can determine scheduling issues that will necessarily impact the activation date (*e.g.,* whether it wants to respond to carrier data requests in two weeks or two months). In addition, by sharing the proposed work plan with carriers, carriers will not only have a better understanding of each PSAP's objectives, but they can also confirm that the work plan is both realistic and complete (*e.g.,* PSAP has not overlooked critical steps).

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[11] TX-CSEC Comments at 2.

[12] *See* NENA and APCO Comments at 1. VoiceStream agrees that one month of end-to-end testing will ordinarily be sufficient. *But see* note 13 *infra.* But as NENA and APCO note, carrier interoperability testing can only begin with "a ready PSAP" — meaning that the PSAP must complete its own internal CPE/E911 network tests before end-to-end testing can commence.

[13] Even two months may not be sufficient time for testing. For example, VoiceStream has been engaged in testing with the TX-CSEC PSAPs for over seven months.

[14] Richardson Comments at 5.

New equipment and systems are rarely installed on schedule, especially where, as with E911, so many different parties are involved and where the technology is so new.[15] VoiceStream therefore recommends that PSAPs provide at least one periodic update, perhaps three months after the initial request. (Of course, PSAPs should be free, if not encouraged, to provide status reports more frequently.) This update can be as simple as submitting the initial (or revised) work plan showing the tasks that have been completed to date and the current dates for tasks scheduled but not completed. This would not be an administrative burden because the plan should be in project management programs that are customarily used for this type of hardware and software installation.

C. The PSAP E911 Network: ALI Databases and Their Readiness

The PSAP's E911 network, and its ALI database in particular, play a critical role in the provision of Phase II service. For all practical purposes, the ALI database is a "bottleneck" — PSAPs will not receive the Phase II data elements that carriers generate unless the ALI database is Phase II compatible.

The collection and computation of Phase II location data (latitude and longitude) is complex, and this function will often not be completed by the time a PSAP initially requests location data *via* the ALI database. The national Phase II standard that industry and the public safety community have cooperatively developed, J-STD-036, therefore includes a refresh or update capability so PSAPs can send subsequent requests for location data if the initial request is not successful. As CTIA notes, "[w]ithout this update request functionality, the delivery of Phase II location will be blocked if the initial Phase II location cannot be determined prior to the time-out

[15] *See* NENA and APCO Comments at 2-3.

interval set for delivering the call with only phase I location."[16] This update request functionality, often referred to as the "E2 Interface," does not exist in ALI databases today. As a result, Phase II data may not be available in many instances.

The Phase II national standard also includes "confidence level" information, so the PSAP can determine the level of accuracy of the location data being sent to it.[17] This data element was added to the standard at the specific request of the public safety community. As APCO and NENA advised the Commission only last week: "To respond to emergencies on poor information may be worse than not responding at all."[18] The transmission of confidence level data from the ALI database to PSAPs is possible only over the "E2 Interface," since wireless equipment vendors have understandably built their Phase II equipment to this mutually agreed upon standard.[19]

Richardson suggests that a PSAP's responsibility over its own E911 network should end when it "requests" its agent operating its ALI database (often, the incumbent LEC) "to provide the necessary trunking and any other necessary facilities or capabilities."[20] Requesting a vendor to provide a certain update by a specified date, however, will not guarantee that the upgrade will be installed, tested and ready by the requested date, as the public safety community acknowledges.[21] Richardson admits as much, when it proposes that ALI database vendors not timely up-

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[16] CTIA Comments, Attachment 2 at 2.

[17] *See id.*

[18] *See* APCO/NENA Ex Parte, CC Docket No. 94-102, at 2 (July 26, 2001).

[19] VoiceStream expects that most PSAPs will find that upgrading their ALI databases to J-STD-036 will be the most efficient option for them. Carriers are building their networks to the national standard, and Phase II can be implemented easier and quicker if PSAPs use equipment incorporating the same standard. Nevertheless, some PSAPs may decide to upgrade their ALI database using a different, proprietary protocol. VoiceStream is not necessarily opposed to such an approach, but a PSAP choosing a proprietary solution should not expect that Phase II can be implemented as easily or quickly as if it had chosen a solution compliant with the national standard. Put another way, a six-month implementation deadline may not be realistic if a PSAP chooses to pursue a non-standard, proprietary approach.

[20] Richardson Comments at 6.

[21] *See* NENA and APCO Comments at 2-3 ("All parties know from experience . . . that promises to perform by vendors are not always realized.").

grading the databases be subjected to a complaint filed with the Commission,[22] but this is not an effective solution.[23] As APCO/NENA recognize, "the commercial vehicle of contract is probably a preferred mechanism for assuring performance."[24]

NENA and APCO take the view that upgrades to ALI databases are "better dealt with after a request than before" under the theory that a PSAP could make "vendor arrangements that are contrary to what the wireless carrier had in mind."[25] However, the PSAP community and telecommunications industry developed the national Phase II standard, J-STD-036, precisely so each party knows what functions it must perform for an operational Phase II service. Given APCO/NENA's recognition that "promises to perform by vendors are not always realized" and that contracts are "the preferred mechanism for assuring performance,"[26] only a PSAP certification that it has executed necessary Phase II upgrade contracts/orders with its ALI database vendor can provide all parties sufficient certainty of success. Without such a basic requirement, wireless carriers will almost certainly misdirect their resources to conversions of PSAPs that are not Phase II capable while the conversion of other PSAPs, those making the necessary upgrades to both their CPE and their E911 networks, will be delayed needlessly. PSAPs should be similarly concerned that their CPE upgrades will be of no value until their ALI database vendor makes corresponding upgrades to the databases.

The TX-CSEC, in contrast, while acknowledging its responsibility for upgrading the ALI database and other components of the PSAP E911 network, "urges the Commission to . . . assess

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[22] *See* Richardson Comments at 6.

[23] Filing a complaint will not avoid the result VoiceStream fears — that limited resources will be squandered in an attempt to implement Phase II in a situation where the PSAP system lacks essential capabilities. Meanwhile, mobile customers in an area in which the PSAP has addressed, and in fact satisfied, all requirements of their system will not get Phase II because the resources needed are committed to a less certain effort elsewhere.

[24] NENA and APCO Comments at 4.

[25] NENA and APCO Comments at 3.

current LEC readiness for wireless E9-1-1 Phase II service."[27] VoiceStream is not opposed to the Commission intervening in this critical area. After all, there are indications that many ALI databases will not be Phase II compatible for some time. But ALI database vendors should operate at the direction of the PSAP, their customer. It would therefore appear that the first step should be for the PSAP to commence negotiations for Phase II ALI database upgrades and execute a Phase II contract or order. If the LEC is acting unreasonably (*e.g.,* refuses to implement the upgrade in a reasonable time), the PSAP can then file a complaint with the state regulator or the Commission.

However, given the indispensable role that the ALI database plays in Phase II service, wireless carriers should not be required to commence a Phase II conversion until the PSAP has received from its database vendor a firm date that the equipment will be Phase II compatible. In the immediate future, carrier resources are best expended on converting PSAPs that have demonstrated that both their CPE and E911 network are Phase II compatible. In summary, and as discussed above, PSAPs should be required to certify in their initial Phase II request that they have executed Phase II upgrade contracts, if upgrades are necessary, with all of their vendors, including their ALI database vendor.

D. Whether Phase I Service Should be a Condition to Phase II Service

VoiceStream agrees with the PSAP comments that the conversion to Phase II service should not be conditioned on the PSAP first converting to Phase I service (although Phase I capability is required for Phase II service). However, the PSAP community must recognize that the conversion from Phase 0 to Phase II is much more complex and time consuming than the

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[26] NENA and APCO Comments at 2-3 and 4.

[27] TX-CSEC Comments at 4.

conversion from Phase I to Phase II. This increased complexity makes it even more difficult to deploy Phase II within six months, even with the full cooperation of all the parties. Depending on the scope of the national demand for Phase II service, wireless carriers should focus their Phase II efforts on PSAPs that are Phase I capable so as to maximize the number of systems that can be converted in the near future.

E. APCO/NENA's Approach Is Unworkable — At Least If Carriers Remain Subject to a Six-Month Implementation Schedule

NENA and APCO recognize that Phase II service can be implemented successfully only through "consultation and cooperation in good faith by the PSAP, the wireline and wireless carriers and any third-party vendors."[28] However, their proposal that the Commission impose no requirements for valid PSAP Phase II requests and that the parties instead "work things out within the [time] frame provided by the rules" may run the risk that Phase II service will not be timely implemented.[29]

The experience with Phase I confirms that installing an operational Phase I system within six months is daunting given the number of parties involved in the coordinated conversion. Implementing Phase II within six months will be even more challenging for all parties involved, especially if the PSAP has not already converted to Phase I. It will be arduous for the involved parties to negotiate the details of Phase II implementation *and* complete the installation of an operational Phase II system within six months.

For example, Richardson has recognized the importance of a completed draft work plan as part of a Phase II request. The PSAP's initial work plan need not be perfect because, if included with the initial request letter, carriers can quickly determine whether the plan is feasible.

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[28] NENA and APCO Comments at 2.

[29] *Id.*

But under the APCO/NENA "just work things out" proposal, the parties will spend three months (or more) attempting to develop a consensus work plan before any implementation work even begins.

VoiceStream endorses fully the NENA and APCO proposal that PSAPs develop implementation plans using a cooperative effort. It believes that by invoking such a process, PSAPs could take advantage of the extensive experience carriers have in implementing new technologies and services. But these planning activities should occur *before* the PSAP places its formal Phase II request and *before* the six-month implementation deadline is triggered. In addition, given that carriers do not have unlimited resources, as the PSAPs themselves recognize,[30] such planning efforts should be done on a regional or statewide basis.[31] Carriers simply do not have the resources to send employees to hundreds of scattered planning sessions conducted during the same time period.

CONCLUSION

Wireless carriers and the public safety community share the same objective: how to implement Phase II service in the most timely, efficient and cost effective manner. Carriers have considerable experience with deploying new technology and implementing new services. VoiceStream makes the above proposals because it is confident they will help facilitate the timely deployment of Phase II service to PSAPs who assess and act upon the need to upgrade their CPE and E911 networks to Phase II service. The public interest is served by maximizing

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[30] *See, e.g.,* Tarrant County at 2.

[31] Indeed, Congress recognized that the "rapid, efficient deployment of emergency telecommunications service requires statewide coordination." Wireless Communications and Public Safety Act of 1999, Pub. L. 106-81, § 2(b), 113 Stat. 1286 (1999). Congress further directed the FCC to "encourage and support efforts by States to deploy comprehensive end-to-end emergency communications infrastructure and programs based on coordinated statewide plans." *Id.* at § 3(b).

the deployment of operational Phase II systems. We should use this proceeding to streamline the efficient national rollout of E911 services.

Respectfully submitted

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VoiceStream Appendix 1

VOICESTREAM RESPONSE TO THE CITY OF RICHARDSON

The City of Richardson, in its July 25, 2001 Comments, complains that VoiceStream is not providing Phase I service despite Richardson's request 16 months ago.[32] These allegations are not supported by the facts. On March 20, 2000, Richardson requested Phase I service from VoiceStream:

> On behalf of the City of Richardson, Texas, I am hereby requesting the provisioning of Phase I enhanced 9-1-1 services for wireless customers using VoiceStream Wireless services. . . . [I]t is expected that the City's request for Phase I services *will be completed* in no more than a six-month period from the date of this request.[33]

VoiceStream acknowledged the request on April 3, 2000.[34]

On June 29 and 30, 2000, VoiceStream conducted a series of meetings in the Dallas area for the benefit of Texas PSAPs. Topics addressed at these meetings included a review of Phase I solutions, non-disclosure agreements, service contracts, implementation schedules, trunk sizing, and pricing/cost recovery. Richardson was invited to attend these meetings, but could not attend because of the press of other business:

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[32] *See* Richardson Comments, at 12 (July 27, 2001)(claiming that VoiceStream "denied" Richardson's request based on "its own subjective, uniformed assessment, made without even attempting to consult with Richardson").

[33] Letter from Joe Hanna, Captain, Richardson Police Department, to Jim Blundell, VoiceStream (March 20, 2000)(emphasis added), attached as Exhibit A to the Richardson Petition.

[34] *See* Letter from James A. Nixon, VoiceStream, to Joe Hanna, Captain, Richardson Police Department (April 3, 2000). *See also* Letter from Joe Hanna, Captain, Richardson Police Department, to James A. Nixon, VoiceStream (April 8, 2000)("I would like to thank you for your letter of April 3, 2000 acknowledging receipt of Richardson's request for Phase I enhanced wireless 9-1-1 services."), attached as Exhibit C to the Richardson Petition.

> I had planned on attending the meeting on the 29th, but the FCC has called a short notice meeting to discuss Phase II with a number of parties. I have been asked to represent APCO at this meeting and will thus not be able to make your meeting on the 29th. I will be staying for other meetings on the 30th, so will need to give you a call to discuss how we proceed from this point. Thanks for the invitation – I look forward to an opportunity to finalize our requests.[35]

On July 31, 2000, after it received an executed non-disclosure agreement from Richardson, VoiceStream submitted a draft Phase I services contract to Richardson for its consideration:

> The next steps in the Phase 1 implementation process are to come to an understanding concerning the scope of services provided and to outline each party's responsibilities. In support of this effort I am enclosing our standard Phase I Enhanced 9-1-1- Service Agreement for your review and signature. Please review, sign and return this document to me. Once we execute the document, I will send you a copy for your files. We can then develop a project plan for implementation of service in your city.[36]

Earlier in July, Richardson told VoiceStream that it "will get in touch with you and your staff regarding specific information on Richardson's Phase I and Phase II requests":

> Thanks for keeping in touch. I look forward to working with you and VoiceStream to make wireless E9-1-1 a reality.[37]

Richardson did not respond to VoiceStream's proposed contract, nor did it provide the specific Phase I information that it said it would share. After several VoiceStream voice messages went unanswered, VoiceStream sent Richardson a letter on November 2, 2000:

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[35] Email from Joe Hanna, Captain, Richardson Police Department, to Brianne Thompson, VoiceStream (June 23, 2000).

[36] Letter from James A. Nixon, VoiceStream, to Joe Hanna, Captain, Richardson Police Department (July 31, 2000).

[37] Email from Joe Hanna, Captain, Richardson Police Department, to Jim Nixon, VoiceStream (July 5, 2000).

> Since receiving your Phase 1 wireless E9-1-1 request letter dated March 20, 2000, we have corresponded and communicated with your office several times but we have not been able to make progress on the Service Agreement. This delay will make it impossible for us to comply with your request within the 6 months specified by the FCC.
>
> Please be assured that we remain committed to providing Phase 1 service as requested within a reasonable amount of time following the resumption of progress on the legal issues. We await your action on Phase 1 and hope we can complete implementation soon so our customers can benefit from this important public safety improvement. . . . We hope to hear from you soon.[38]

Richardson never responded to this VoiceStream letter.

The next time Richardson raised Phase I issues with VoiceStream was in the context of the Reply Comments it submitted to the Commission on May 3, 2001. In those Reply Comments, Richardson charged that VoiceStream had violated the Commission's E911 rules and had engaged in "a series of outright misstatements about Richardson's situation":

> Richardson made its Phase I request to VoiceStream on March 20, 2000. To this day, and in violation of the Commission's six-month deadline, Richardson does not have Phase I service from VoiceStream, and VoiceStream has not provided any explanation for its failure to provide Phase I service as required. * * * VoiceStream has never met with, called, or visited Richardson to discuss these maters.[39]

The documented record, as described previously, is incompatible with Richardson's assertions.

VoiceStream understands that much of this early delay was caused by the necessary commitment of Richardson's representative to his then national public safety position. We applaud Richardson's support of this very important function, and we greatly

[38] Letter from James A. Nixon, VoiceStream, to Joe Hanna, Captain, Richardson Police Department (Nov. 2, 2000).

[39] Richardson Reply Comments, at 1-3 (May 3, 2001).

admire Mr. Hanna's dedication and tireless efforts in this national effort. However, VoiceStream believes it is unreasonable to hold us responsible for this delay, especially in light of our good faith efforts to maintain forward progress.

VoiceStream obtained a copy of Richardson's Reply Comments on Friday, May 4, 2001. On the morning of Monday, May 7, 2001, VoiceStream contacted Richardson to open a dialogue regarding Phase I implementation. During this contact, VoiceStream learned that new personnel are involved with Richardson's 911 program, and it appears that these new people were not familiar with the extensive dialogue the two parties conducted last year. The parties then agreed to work cooperatively in the implementation of Phase I E911 service.

The parties have been working on implementation of Phase I since VoiceStream took the initiative and contacted Richardson on May 7, 2001. During this call, VoiceStream committed to expediting implementation of Richardson's Phase 1 request. Although both parties want a service agreement to identify their individual and joint responsibilities, the implementation process is not being slowed in any way by the continuing contract negotiations. On May 21, 2001, VoiceStream forwarded its coverage map and cell site data file to Richardson so the responsible E911 personnel could make the call routing determinations necessary for trunk sizing and ALI database development. As of August 1, 2001, over two months later, VoiceStream still has not received this necessary information from Richardson. VoiceStream will move forward with the implementation process and, barring further delay, complete implementation within approximately 60 days, once this information is received.

It is important to emphasize that VoiceStream does not view the delay in Richardson in a negative fashion. Rather, we view it as further evidence that cooperation and flexibility are necessary during the implementation process because in the real world, other imperatives are competing for the limited resources of all parties. When these instances occur, the work plan we champion here could simply be adjusted to account for the situation and all other elements could continue forward in harmony.

August 1, 2001

VoiceStream Appendix 2

VOICESTREAM RESPONSE TO TARRANT COUNTY

The Tarrant County, Texas 9-1-1 District sent VoiceStream a Phase II request on April 20, 2001. VoiceStream did not respond to the request for two months, until June 20, 2001. Tarrant County asserts that this two-month delay was "not efficient."[40] VoiceStream regrets that it did not respond to Tarrant County's request before June 20, 2001. VoiceStream, in attempting to implement all pending Phase I orders, plan for deployment of Phase II service, respond to dozens of requests for Phase II service, defend its Phase II waiver that is under collateral attack, and keep current with filings and meetings in this Docket 94-102 proceeding, did not respond to Tarrant County in a timely manner.

VoiceStream did submit its responses to Tarrant County six weeks ago, but the County has not replied to VoiceStream's letter. Tarrant County cannot hold VoiceStream solely responsible for causing a delay in the six-month implementation schedule when, after six weeks, it has not responded to some very important points that VoiceStream had raised involving basic issues of Phase II implementation (*i.e.,* the compatibility of the County's CPE and E911 network with Phase II data requirements).

Tarrant County is wrong to assert that VoiceStream "misquot[ed] the amended rule adopted in the cited cost recovery order."[41] VoiceStream did not quote Rule 20.18(j). It rather quoted, accurately, paragraph 14 of the FCC's *Second E911 Memorandum Opinion and Order*, 14 FCC Rcd 10850, 20857 (1999), as the letter explicitly stated.

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[40] Tarrant County Comments at 2.

[41] Tarrant County Comments at 1.

Tarrant County also posits that VoiceStream "referred generally to recovering the costs of service, while the rule reads on the recovery of PSAPs costs only." In fact, VoiceStream's letter specifically stated:

> We ask that you confirm via return correspondence that your PSAP is currently capable of receiving and using Phase II data and that a cost recovery mechanism is in place *to cover PSAP costs* (emphasis added).

It bears noting, however, that VoiceStream would have been fully justified in asking Tarrant County to explain its plan to reimburse VoiceStream for the costs it incurs in implementing Phase II service. Section 771.0771(g) of the Texas Health and Safety Code provides:

> On receipt of an invoice from a wireless service provider for reasonable expenses for network facilities, including equipment, installation, maintenance, and associated implementation costs, the commission or an emergency services district of a home-rule municipality or an emergency communications district created under Chapter 772 *shall reimburse the wireless service provider in accordance with state law for all expenses related to 9-1-1 service* (emphasis added).

Thus, under Texas state law, Tarrant County and other Texas PSAPs are required to reimburse wireless carriers for all their E911 conversion costs.

Tarrant County finally complains that VoiceStream expressed the view that a PSAP "must possess mapping equipment which can display this location data in a meaningful and useful manner for the call taker."[42] VoiceStream did inquire about Tarrant County's proposed mapping solution, but it certainly did not suggest that a particular mapping solution was required. To the contrary, VoiceStream stated unequivocally in its letter to Tarrant County:

> While we do not intend to establish PSAP equipment requirements, we do wish to collect information on how your PSAP intends to use the data.

VoiceStream inquired into Tarrant County's mapping capabilities for two reasons. First, extensive Phase II testing performed by the Harris County, Texas E911 District demonstrated the

[42] Tarrant County Comments at 1.

importance of mapping capability in the timely delivery of emergency services. These tests revealed that PSAP call-takers, given the stress and time constraints under which they operate, are ill-equipped to translate manually 40+ digits of latitude and longitude data into the easily recognizable street addresses that emergency fire, police rescue and ambulance personnel can meaningfully use. After all, one main goal of Phase II is to *ease* the call-taker's burden. Second, as part of its commitment to share its experience fully with all PSAPs, VoiceStream would like to learn what early PSAP requesters are doing, so VoiceStream can share this information with other PSAPs.

In summary, VoiceStream wishes that it had responded more promptly to Tarrant County's Phase II request. However, VoiceStream cannot solely be held responsible for any delays in Tarrant County's implementation of Phase II service.